

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – OFFICE OF PUBLIC PARTICIPATION  
MARCH 20, 2018**

**ITEM 6**

**SUBJECT**

INFORMATION ITEM - ANNUAL PROGRESS REPORT BY THE STAFF TO THE BOARD ON IMPLEMENTATION OF THE HUMAN RIGHT TO WATER (HRTW).

**DISCUSSION**

On September 25, 2012, Assembly Bill 685 was enacted, which added section 106.3 to the Water Code (effective January 1, 2013), declaring that every human has the right to clean, affordable, and accessible water for consumption, cooking and sanitary purposes (generally referred to as the human right to water). Water Code section 106.3 states in full:

- (a) It is hereby declared to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.
- (b) All relevant state agencies, including the department, the state board, and the State Department of Public Health, shall consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the uses of water described in this section.
- (c) This section does not expand any obligation of the state to provide water or to require the expenditure of additional resources to develop water infrastructure beyond the obligations that may exist pursuant to subdivision (b).
- (d) This section shall not apply to water supplies for new development.
- (e) The implementation of this section shall not infringe on the rights or responsibilities of any public water system.

The new law specifically requires the State Water Resources Control Board (State Water Board), as well as other agencies, to consider the human right to water when establishing policies, regulations, or grant criteria when such actions are pertinent to water for human consumption, cooking, and sanitary purposes. (Water Code §106, subd.(b)). The new law does not require the State Water Board to develop new policies, regulations or grant criteria.

The State Water Board and the nine Regional Water Quality Control Boards (collectively, the Water Boards) administer the Porter-Cologne Water Quality Control Act (Wat. Code, Div. 7, § 13000, et seq.), which establishes a comprehensive statutory program for water quality control. The Water Boards protect water quality and beneficial uses of the State's waters, including domestic uses, through their authority under the Porter-Cologne Water Quality Control Act and the Federal Water Pollution Control Act Amendments of 1972, as amended (33 U.S.C. §1251 et seq.) (Clean Water Act). Additionally, since 2014 the State Water Boards, as the federally designated primary agency for the drinking water program in California, is responsible for the implementation of the Safe Drinking Water Act (SDWA) and has responsibility of implementing the SDWA as defined in the California H&S Code and Titles 17 and 22, California Code of

Regulations (CCR). The Division of Drinking Water (DDW) within the State Water Board carries out this drinking water regulatory responsibilities.

On February 16, 2016, staff presented [Resolution No. 2016-0010](#) to the State Water Board for adoption. This resolution directs staff to consider the HRTW as a core value, and provides guidance and direction to the Water Boards to achieve consistency in the implementation of the HRTW. The Resolution also requires that staff provide an annual progress report to the Board on the implementation of the HRTW.

**Affordability** - The Climate and Conservation Unit from the Office of Research, Planning and Performance will inform on the affordability aspect of the HRTW. This is intended to be addressed through the implementation of Assembly Bill 401 (2015), the development of a Low-Income Water Rate Assistance Program. Staff will provide an update on the progress and implementation of AB 401 within the last year.

**Safe and Clean** - The Division of Drinking Water, which has overseen the implementation of the safe and clean aspects of the HRTW, will provide an update on changes made to the State Water Board's HRTW internet portal within the last year. Staff will inform on improvements and augmentations made to the portal since the last Board update.

**Implementation** - State and Regional Board implementation of the HRTW into grants, permits, regulations and on-going projects within the last year will be reported on by the Office of Public Participation.

## **POLICY ISSUE**

None – Informational Item

## **FISCAL IMPACT**

None – Informational Item

## **REGIONAL BOARD IMPACT**

None – Informational Item

## **STAFF RECOMMENDATION**

None – Informational Item

<p>State Water Board action on this item will assist the Water Boards in reaching Goals 5, and 6 of the Strategic Plan Update: 2008-2012. In particular, approval of this item will assist in fulfilling Goal 5 which is to improve accountability and transparency by ensuring the Water Boards goals are clear and accessible; and Goal 6 which is to enhance consistency across the Water Boards to ensure the Water Boards' processes are effective, efficient, and predictable and to promote the fair application of laws and procedures.</p>
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